

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB631
RELATING TO CERTIFICATES OF BIRTH**

REPRESENTATIVE DELLA BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 13, 2015

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health has **strong reservations** about HB939,
3 which creates an administrative-only process for changing "gender," a data item not currently
4 recognized on the birth certificate. The reference to "gender" confuses and inappropriately
5 conflates the scope of a birth certificate beyond documentation of the circumstances of an
6 individual's birth as best understood at that point in time (and subsequent changes of legal
7 status).

8 Procedurally, the department objects to the proposal on page 3, lines 3 – 8 requiring no more
9 than "a statement from a licensed medical or social service provider attesting that the current
10 birth certificate record does not align with the birth registrant's gender identity...."

11 Instead, the department recommends procedures similar to 338-17.5, HRS, "Judicial procedure to
12 establish facts of birth," which requires a court petition. DOH would strongly support policies
13 and procedures that assures a registrant's confidentiality, privacy, and above all, dignity.

14 A court order removes the burden for DOH staff to make a judgment on the authenticity of the
15 proposed statement from a licensed medical or social service provider and the qualifications and
16 credentials of such providers as submitted by the registrant.

17 Thank you for the opportunity to testify.



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2015

ON THE FOLLOWING MEASURE:

H.B. NO. 631, RELATING TO CERTIFICATES OF BIRTH.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

DATE: Friday, February 13, 2015

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Jill T. Nagamine, Deputy Attorney General

Chair Belatti and Members of the Committee:

The Department of the Attorney General has concerns about this bill in its current form.

This bill would amend section 338-17.7, Hawaii Revised Statutes (HRS), which provides methods to establish new birth certificates. Currently the law allows the Department of Health (DOH) to establish a new birth certificate to reflect changes based on establishment of paternity, adoption, name changes, or for law enforcement purposes. It also allows the DOH to change the sex on an individual's birth certificate upon receipt of a physician's affidavit that the sex designation was initially entered incorrectly on the record or that the birth registrant has had a sex change operation and the sex designation on the birth certificate is no longer correct.

Our concerns about this bill are as follows: (1) the statutory amendment it seeks would allow changes to "gender," a non-existent data item on birth certificates, (2) the proposed method of amending birth certificates lacks evidentiary reliability, and (3) the part of the amendment that would allow for unsealing sealed birth records upon request may be a violation of the right to privacy under the State Constitution.

(1) "Gender" is not a data item reflected on Hawaii's birth certificates.

This bill would broaden the allowable methods to change birth certificates; however, it seeks to change an item of data that is not currently on birth certificates, i.e., gender. Hawaii, in conformance with the guidelines of the National Center for Health Statistics, includes many items of data, such as name, date of birth, parents' names, and sex, on its birth certificates. "Gender" is not one of the listed items. This bill would amend section 338-17.7, HRS, in a way that would apparently eliminate the reference to "sex" on some birth certificates and replace it with "gender," a category that is not recorded on Hawaii's birth records. Because Hawaii should

continue to conform to the guidelines of the National Center for Health Statistics as required by section 338-11, HRS, the term "gender" in this bill should be replaced with the term "sex."

- (2) Changes to "sex" on a birth certificate without evidence of sex reassignment surgery lack reliability without court involvement.

Notwithstanding the problem of "gender" versus "sex," the Department of the Attorney General has concerns about the reliability of making changes to sex on a birth record in non-surgical cases without requiring a court order. Accuracy and integrity of vital records is important, and requiring a court order to change the sex designation on a birth certificate, particularly in those cases that do not involve sex reassignment surgery, would allow for a reliable, evidence-based way of determining if a change to a birth certificate should be made.

We share DOH's concerns that the accuracy of the data contained in vital records could be compromised without a reliable and consistent means of validating a change. The reasoning behind requiring a court order for changes less permanent than sex change operations is so that a court can use its judgment to determine the validity of the evidence supporting a change to the record. There appears to be a wide range of possible gender reassignment treatments, ranging from the least intrusive treatment of counseling with no hormone replacement therapy and no physical alterations, to the most intrusive treatment of sexual reassignment surgery resulting in permanent physical changes. While we are not experts on the procedures themselves, clinical treatment that does not include surgery does not seem to be permanent enough to merit a change in a vital record without a court order.

Additionally, at page 3, lines 3-8, this bill would allow a licensed social service provider to provide a statement attesting that a person's birth certificate should be changed. The term "social service provider" is not defined but may include those who offer education, housing, food subsidy, support services, and vocational rehabilitation services, as well as social workers who engage in counseling or therapy. These individuals may not have appropriate qualifications to determine if a person's birth certificate ought to be changed to reflect a different sex than what was recorded at the person's birth.

Also, the specific requirements of the "statement attesting" to the change at page 3, lines 3-4, should be spelled out. It is not clear whether this document is a sworn statement under penalty of perjury, or something else.

(3) Violation of the Constitutional Right to Privacy.

In addition to our concerns about amending the statute to change "gender" and not "sex" and the lack of reliability of changing the sex designation without a court order in those cases without surgical intervention, we have strong concerns about allowing original sealed records to be opened without a court order.

At page 4, line 5, of the bill, there is a provision that would allow sealed records to be opened at the request of the birth registrant. Currently, section 338-17.7, HRS, provides for the DOH, upon establishing a new birth certificate, to seal original birth records and evidence supporting a change in those records. The sealed records and evidence cannot be opened except by order of a court of record.

Because section 338-17.7, HRS, includes changes not only to those birth records that were changed based on sex redesignation, but also to those records that were changed subsequent to adoption, there are some constitutional concerns with unsealing adoption records that were intended to be kept confidential. Without allowing some provision to remain in the law that gives natural parents who desire confidentiality that option, the bill may violate the right to informational privacy afforded by article I, section 6, of the Hawaii Constitution.

Article I, section 6, of the Hawaii Constitution provides: "The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right." In Brende v. Hara, 113 Hawai'i 424, 153 P.3d 1109 (2007), the Hawaii Supreme Court upheld a petitioner's right to privacy in her medical records that had been used for litigation purposes. In applying article I, section 6, the Supreme Court stated:

As previously noted article I, section 6 provides in part that "[t]he right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest."

[T]he [article I, section 6] right of privacy encompasses the common law right of privacy or tort privacy. This is a recognition that the dissemination of private and personal matters, be it true, embarrassing or not, can cause mental pain and distress far greater than bodily injury. For example, the right can be used to protect an individual from invasion of [the individual's] private affairs, public disclosure of embarrassing facts, and publicity placing the individual in a false light. In short, this right of

privacy includes the right of an individual to tell the world to "mind your own business."

Brende, 113 Hawai'i at 430, 153 P.3d at 1115 (quoting 1978 Constitutional Convention standing committee report).

While it is not clear that the Hawaii Supreme Court would rule the same way regarding confidentiality of adoption information as it has relating to medical records, it is possible. To overcome the constitutional right to informational privacy, the State must be able to show a compelling state interest. Id., 153 P.2d at 1115. If there is no compelling state interest in denying privacy to natural parents who seek it, then there must be a provision in the law that allows natural parents a way of maintaining confidentiality.

We respectfully request this Committee, if it decides to pass this bill, to (1) replace the use of the word "gender" with the word "sex," (2) require a court order for any changes pursuant to procedures that do not involve sex reassignment surgery, and (3) not allow the opening of all of the records that are sealed pursuant to section 338-17.7, HRS, without a court order.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
CARMILLE LIM
AMY MONK
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February 12, 2015

To: Representative Della Au Belatti, Chair
Representative Richard P. Creagan, Vice Chair
Members of the House Committee on Health

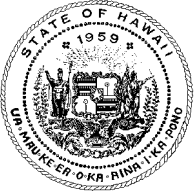
From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 631, Relating to Certificates of Birth

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on such an important issue. I would like to express my strong support for HB 631, which would amend HRS 338-17.7 by allowing for the establishment of new birth certificates for transgender individuals.

A statutory requirement for an actual surgical gender change is outdated and unnecessary. The majority of transgender people do not choose to undergo sex reassignment surgeries for various reasons, including prohibitive costs and other medical and personal reasons. Under internationally accepted clinical standards, transgender individuals may opt for hormone therapy and other treatments. The international medical community recognizes that surgery may be appropriate for some, but not for all. HB 631 attempts to modernize HRS 338-17.7 without retaining an outdated notion of what it means to be transgender.

This bill would make it easier for transgender individuals to request a new birth certificate by allowing an individual to request one, along with a statement from a licensed medical or social services provider attesting that the current birth certificate record does not align with the birth registrant's gender identity. This is especially vital to the everyday lives of transgender individuals and allows them to more readily amend their legal documents, including driver's licenses and other forms of identification. These individuals are more subject to harassment and discrimination when their birth certificates, and thereby, their identification, do not "match" their lived gender. This bill remedies that problem. The Commission respectfully urges this Committee to pass HB 631. Thank you for your time.



HAWAI'I CIVIL RIGHTS COMMISSION

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March 13, 2015
Rm. 329, 9:00 a.m.

To: The Honorable Della Au-Belatti, Chair
Members of the House Committee on Health

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 631

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai'i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 631, if enacted, would amend HRS § 338-17.7 to change the supporting documentation required by the department of health to issue a new birth certificate to align gender designation with the birth registrant's gender identity.

The HCRC strongly supports H.B. No. 631 for the following reasons:

The proposed statutory amendments to HRS § 338-17.7 establish a single standard for supporting documentation required to obtain a new certificate of birth with a change of gender designation to align with the birth registrant's gender identity. The current law creates two classes of birth registrants seeking a new certification of birth with a change of gender designation, with different documentation requirements for each class.

The proposed amendments include deletion of an express qualification that one class of birth registrants seeking to obtain a new certificate of birth with a change of gender designation be limited to those

who have had a “sex change operation,” a limitation that is immaterial under current legal and medical definitions of gender identity.

H.B. No. 631, if enacted, will make it easier for people to obtain birth certificates with gender designation that aligns with their gender identity. This will affect workers who currently face discrimination in the workplace because of sex, based on gender identity, because their gender designation on their birth certificate and identification documents issued on the basis of their birth certificate does not match their gender identity.

The HCRC strongly supports H.B. No. 631, and urges the committee’s favorable consideration of this measure.



Committee: Committee on Health
Hearing Date/Time: Friday, February 13, 2015, 9:00 a.m.
Place: Room 329
Re: Testimony of the ACLU of Hawaii in **Support of H.B. 631**, Relating to
Certificates of Birth

Dear Chair Belatti and Members of the Committee on Health:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support of H.B. 631**, which sets medically appropriate guidelines for changing the gender designation on one’s birth certificate and helps to ensure fairness for the transgender community.

The current method for changing the gender designation on one’s birth certificate in HRS § 338-17.7 is outdated: it is out of line with the current medical consensus that surgery is not appropriate or necessary for every transgender person, and it results in an unreasonable burden on members of the transgender community. In its current form, HRS § 338-17.7 contains extreme requirements (*i.e.*, sex reassignment surgery) for changing one’s gender designation, and these unduly restrictive provisions prevent many transgender individuals from obtaining consistent legal documentation. This can have a serious impact on issues related to employment, education, and social recognition of their gender.

Many other states and federal agencies have already changed their laws and policies to allow for the changes proposed by H.B. 631. Indeed, California, New York, Oregon, Washington, Vermont, and the District of Columbia, along with the United States Department of State and the Social Security Administration, have already adopted standards comparable to the proposed bill requirements to ensure that transgender individuals can obtain accurate identification without proof of surgery.

The ACLU of Hawaii receives frequent complaints about discrimination against transgender individuals. Hawaii’s lawmakers have taken strong steps to address this discrimination by, among other things, prohibiting discrimination on the basis of gender identity and expression in employment, in public accommodations, in housing, and in public schools. We ask that you continue to promote equality for all by passing this measure.

American Civil Liberties Union of Hawai'i
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Thank you for this opportunity to testify.

Daniel M. Gluck
Legal Director
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

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11 February 2015

Chairwoman Della Au Belatti
Committee on Health,
House of Representatives,
State of Hawai'i
Honolulu, HI

Dear Rep. Belatti and Committee Members:

Thank you for the opportunity to submit testimony regarding HB 631 Relating to Certificates of Birth, which the committee is scheduled to hear this Friday. I write on behalf of Equality Hawai'i, the state's largest political, social justice and advocacy organization for the LGBT community and our allies, and wish to register our strong and unequivocal SUPPORT for this long-overdue measure.

Today, more than 3 million transgender individuals are estimated to reside in the United States, and perhaps as many as 15,000 live in Hawai'i. Without birth certificates that correspond to their gender identity and public gender expression, they face persistent and sometimes insurmountable difficulties in attending to the most basic matters of their lives.

As you know, Hawai'i law currently compels transgender individuals to have gender reassignment surgery in order to have the gender marker changed on their birth certificates. The law is based on federal guidelines written two generations ago. Since our law's creation, much has been learned about gender identity and expression and about transgender individuals more specifically, who have become far more visible and accepted in our culture. That's why six states and the District of Columbia have now removed the surgery requirement for gender marker changes from their laws, and a similar number of additional states are pursuing similar legislation. This is clearly the statutory trend, and it is rapidly gaining momentum.

Leading medical and psychological authorities including the American Medical Association, the American Psychological Association and the World Professional Association for Transgender Health support birth certificate laws that do not require gender reassignment surgery for gender marker changes. Many transgender people cannot undergo surgery for a number of

reasons, including the cost of surgery, inability to take time off school or work for the recovery period, and medical conditions that make surgery inadvisable, according to the National Center for Transgender Equality. NCTE further states, "Removing the surgery requirement would allow transgender people and their healthcare providers to choose the correct course of treatment for each individual without compelling people to undergo surgery or other treatment that is unnecessary, inappropriate, or simply not possible."

We have been in discussion with the state Department of Health through Dr. Alvin Onaka, Registrar of Vital Records, and have been pleased to note that we share common interests of a simple, straightforward and predictable process that would be easily implemented by staff and accessible, inexpensive and sensitive to applicants and their needs. We were likewise delighted to receive Dr. Onaka's assurances that maintaining the surgery requirement is not a goal for Vital Records.

Toward our mutual interests and an improved process for the people of Hawai'i, we respectfully request three amendments:

- **On p. 3, line 3**, we request that **"statement" be replaced by "affidavit,"** so that the legal nature and standing of such documents are clear.
- **Also on p. 3, lines 3 and 4**, we request that **"licensed medical or social services provider" be replaced by "licensed medical, licensed mental health or licensed social services provider"** to make explicit the fact that these documents may only be submitted by licensed professionals in good standing with their profession.
- Finally, we request that **paragraph (e) on p. 4 be deleted**. Current law already provides that an individual who is denied a gender marker change by the Office of Vital Records may pursue a cause of action in court, so this language is redundant and unnecessary.

Transgender people and the trans community are a strong, diverse and vibrant part of our Hawai'i ohana, and HB631 represents an exciting opportunity to make a real, positive difference in their lives. Justice deferred, as the time-honored maxim goes, is justice denied, and trans people have been denied justice for far too long through a requirement that a growing number of states and professional associations say must be changed. We respectfully ask your support in delivering a measure of justice this session through voting for HB631.

Mahalo,

Todd Simmons

Todd Simmons
Executive Director
Equality Hawai'i



The Public Policy Voice for the Roman Catholic Church in the State of Hawaii

HEARING: House Committee on HLT hearing on February 13, 2015 @ 9:00 a.m. #329

SUBMITTED: February 10, 2015

TO: House Committee on Health
Rep. Della Au Belatti, Chair
Rep. Richard Creagan, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Opposition to HB 631, Relating to Birth Certificates

Honorable Chair and members of the House Health Committee, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in Hawaii. We oppose this bill because our church teaches that the altered condition of a member of the faithful under civil law does not change one's canonical condition, which is male or female as determined at the moment of birth. A birth certificate that has been altered without any notation of an amendment could put us directly at odds with our own religious tenets.

Language in the bill states that the “**new certificate of birth shall not be marked as having been amended and shall in no way reveal the original language changed by the amendment**”.

This bill, however, goes a step further and allows the change to a birth certificate WITHOUT a sex change. Language in the bill allows “**a statement from a licensed medical or social service provider attesting that the current birth certificate record does not align with the birth registrant's gender identity and that in the provider's professional opinion the birth registrant's gender designation should be changed accordingly**” as all that is needed to change ones birth certificate.

In 2002 the Congregation for the Doctrine of the Faith of the Catholic Church issued a letter sent without public release to every Bishop. It clearly stated that such surgical procedures do not alter a person's gender and that in no circumstance are baptismal records of such individuals who have undergone them to be altered. Further, the document made clear that no one who has undergone such a surgery is eligible to marry, be ordained to the priesthood or enter the religious life. If the bill is passed as written, the “truth” of an individual's gender would be hidden to the church. This is unacceptable and bad public policy.

Every single human cell contains chromosomes which identify whether we are male or female. That cannot be changed. It is a given. In fact, it is a gift. Please do not pass this disingenuous legislation.

Mahalo for the opportunity to testify.



A 501(C) (4) organization associated with Hawaii Family Forum

ONLINE TESTIMONY SUBMITTAL
House Committee on Health
Hearing on February 13, 2015 @ 9:00
Conference Room #329

DATE: February 12, 2015

TO: House Committee on Health
Rep. Della Au Belatti, Chair
Rep. Richard Creagan, Vice Chair

FROM: James R. "Duke" Aiona, Jr. Interim President & CEO Hawaii Family Advocates

RE: Opposition to HB 631; HB 631 Relating to Certificates of Birth
Comments on HB 631 Relating to Certificates of Birth

My name is James R. "Duke" Aiona, Jr., and I have been an attorney in Honolulu since 1981. Currently I am also the interim president of Hawaii Family Advocates, a 501(c) (4) independent expenditure, non-candidate organization. Our opposition to this bill is as follows: 1) the broadness and thus the lack of a reliable basis for amending birth certificates and 2) lack of transparency regarding the history of the birth registrant.

A birth certificate is a very important vital record. It is a document that is relied upon by many organizations, government agencies, and individuals to make decisions, many which are life changing, as to a person's qualifications, eligibility, place of birth, genealogy, and sex. Accordingly, the accuracy and integrity of a birth certificate is essential.

As currently proposed in this bill, subsection (a) (4) would allow a birth registrant to amend their sex designation upon the mere attestation of a "licensed medical or social service provider". First and foremost the proposed bill does not define or identify with any specificity who and what qualifies as a "licensed medical or social service provider". As currently drafted a "licensed medical or social provider" could be someone from anywhere in the world. Second, there is no requirement that the "licensed medical or social provider" possess any expertise, whether by experience or education, on the subject of gender identity. Thereby, allowing someone who has a "moment" of doubt or change in their sexual identity to be allowed to make this historical and permanent change. In short, this proposed amendment lacks the necessary credibility and reliability that is essential to making a permanent change in the sexual identity of their birth certificate.

As mentioned above a birth certificate serves as a historical record. A person's gender is a part of this historical data. A change in a person's sexual identity is a factor that many would want to know about. The most obvious example is someone who is contemplating marriage. The second is a business who as part of its benefit package houses their employee's by gender. A third is a religious organization whose religious practices are dependent upon the sexual identity of a person that they are contemplating to hire

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A 501(C) (4) organization associated with Hawaii Family Forum

or confer a certain religious rite upon. As proposed, subsection (b), would not allow the new birth certificate to be marked as amended.

This not only infringes upon a person's right to know but is contrary to any notion of transparency. For the reasons noted above, it is imperative that any change to a vital fact, such as sexual identity, within a birth certificate must be available and known to the general public.

Mahalo for the opportunity to submit this testify.



ONLINE TESTIMONY SUBMITTAL

House Committee on Health hearing on Friday, February 13, 2015 @ 9:00 a.m.
Conference Room #016

DATE: February 12, 2015

TO: House Committee on Health
Rep. Della Au Belatti, Chair
Rep. Richard Creagan, Vice Chair

FROM: Eva Andrade, Executive Director

RE: Opposition to HB 631, Relating to Certificates of Birth

Honorable Chair and members of the House Committee on Health, I am Eva Andrade, **representing the Hawaii Family Forum**. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations.

We want to make it clear, from the beginning, we are not objecting to allowing a birth certificate to be amended. What we see as a big problem is the following suggested language in **§338-17.7**:

The new certificate shall not be marked as amended and shall in no way reveal the original language changed by any amendment.

We do not see why the state would have an interest in promoting false identities and/or the recreation of a historical fact thereby creating situations that could potentially promote fraudulent representation by someone looking to dissociate from their past. In a society where transparency is lauded, this legislature should never allow the opportunity for vital records to be altered and thereby become questionable and/or meaningless.

Passage of this bill, because of its intent to support gender "identity" (which can mean different things at different times to different people), is simply bad public policy. Passage of this bill would put the church, or religious organization and/or individuals with strong religious convictions, directly at odds with their religious convictions.

Mahalo for the opportunity to testify.

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E-mail: director@hawaiifamilyforum.org | Website: www.hawaiifamilyforum.org



Dear Chair Belatti, Vice Chair Creagan, and members of the Committee:

I am Tod Robertson, President of Pride at Work Hawaii. On behalf of the Pride at Work Hawaii Board of Directors and membership I am write in strong support of HB 631 which would allow individuals to change their birth certificates to reflect their true gender by removing burdensome and outdated medical requirements.

HB 631 would modernize state law that presents numerous barriers for transgender and intersex individuals to correct their birth certificates to accurately represent their gender. Currently, in order to change one's birth certificate an individual must undergo costly and potentially dangerous surgical procedures without regard for whether that individual wants or has any medical need for the surgeries. This bill would allow the individual and the individual's doctor or social service provider to provide a statement supporting the gender designation change.

Nationally, only 25% of transgender individuals have updated their birth certificates; for the remaining 75%, this key document is inaccurate and falsely presents the individual's gender. In 2010, the U.S. State Department eliminated the surgical requirement for updating passports and several states have since adopted similar means of changing one's gender designation.

This bill will give transgender and intersex individuals more privacy and control over their lives. Please pass HB 631. Thank you for the opportunity to submit testimony.

Date: February 12, 2015

To: Representative Belatti, Chair
Representative Creagan, Vice Chair
Committee on Health

From: Mike Golojuch, Sr., Secretary, Rainbow Family 808

Subject: Strong Support for HB631

As an individual and secretary for Rainbow Family 808, I am in strong support of HB 631. This bill allows individuals to change their birth certificates to reflect their true gender by removing burdensome and outdated medical requirements. This is another step for true equality for all our citizens.

HB 631 would modernize state law that presents numerous barriers for transgender and intersex individuals to correct their birth certificates to accurately represent their gender. Currently, in order to change one's birth certificate an individual must undergo costly and potentially dangerous surgical procedures without regard for whether that individual wants or has any medical need for the surgeries. This bill would allow the individual and the individual's doctor or social service provider to provide a statement supporting the gender designation change.

Nationally, only 25% of transgender individuals have updated their birth certificates; for the remaining 75%, this key document is inaccurate and falsely presents the individual's gender. In 2010, the U.S. State Department eliminated the surgical requirement for updating passports and several states have since adopted similar means of changing one's gender designation.

This bill will give transgender and intersex individuals more privacy and control over their lives.

Again, HB631 is needed. Thank you for letting me express my views on this important matter.



95-954 Makakilo Dr. #71 Kapolei, HI 96707 Email: Rainbowfamily808@gmail.com Phone: 808-779-9078 Fax: 808672-6347

February 12, 2015

Senate Education Committee

RE: HB 631 Birth Certificate re: Gender Designation . IN STRONG SUPPORT

Aloha Chair, Vice Chair and Members,

As President of Rainbow Family 808, a group of straight, LGBT families focused on peace and justice through education, we strongly Support HB 631 on behalf of all our families.

As a Social Worker, I can testify that those who need their Birth Certificate changed to match their Gender Designation suffer great hardships when this is denied them. HB 631 will bring peace and justice to those who need their Birth Certificate changed to match their Gender Designation.

Please PASS HB 631 to change Birth Certificates to match their Gender Designation. Let's do no harm to our citizens in anyway, shape or form. Let's Live Aloha!!!

Mahalo nui loa

Carolyn Martinez Golojuch, MSW - President



Friday, February 13, 2015

Relating to House Bill 631
Testifying in Strong Support

Aloha, Chair Belatti, Vice-Chair Creagan and Members of the House Committee on Health,

The Democratic Party of Hawaii **strongly supports HB631 Relating to Certificates of Birth**, which establishes the documentation required when requesting the Department of Health to issue a new birth certificate with gender designation change and establishes a birth registrant's cause of action to petition for a new certificate when the Department of Health refuses to issue a new certificate.

Birth certificates are a critical component of creating and verifying an individual's identity. Passports, drivers' licenses, state ids are all vitally important documents derived from the information found on an individual's birth certificate.

It is estimated that as many as 15,000 transgender people are living here in the state and too many of them face discrimination on a daily basis. National statistics show that 78% of transgender individuals have reported discrimination in the work place and 40% have experienced harassment when presenting identification that includes a gender marker different from their gender presentation. These numbers are simply too high and this bill takes an important step toward correcting these issues.

Currently, Hawaii law requires transgender individuals to undergo gender reassignment surgery before the Department of Health will make the change in gender marker on their birth certificate. The law, as it stands today, is outdated and doesn't reflect the modern understanding of transgender people or the array of options available to them. Gender reassignment surgery isn't practical, or even recommended for every transgender individual. It can be prohibitively expensive, and can result in a major disruption of their lives.

To instead simply require a statement from a licensed medical or social service provider is far more practical and compassionate. Six states, as well as the District of Columbia have already removed surgery requirements from their laws and it's time Hawaii do the same. We urge you to pass HB631.



Mahalo for the opportunity to testify,

Stephanie Ohigashi
Chairperson, Democratic Party of Hawai'i

And The Legislation Committee of the Democratic Party of Hawaii

**GAY LESBIAN
BISEXUAL AND
TRANSGENDER
CAUCUS**



**DEMOCRATIC
PARTY OF
HAWAII**

February 11, 2015

House's Committee on Health
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, HI 96813

Hearing: Friday, February 13, 2015 – 9:00 a.m.

RE: STRONG OPPOSITION for House Bill 631 – RELATING TO CERTIFICATES OF BIRTH

Aloha Chairperson Bellati, Vice Chair Creagan and fellow committee members,

I am writing in STRONG SUPPORT to House Bill 631 on behalf of the GLBT Caucus of the Democratic Party of Hawaii. HB 631 will provide a streamlined process for the members of 'ohana that are Transgender correct their birth certificates.

This bill is desperately needed as it is a matter of health and safety for the members of our transgender 'ohana. The reason we say this is that when your gender on your birth certificate does not match your actual gender you cannot get an accurate government ID. Which in turns impacts the rest of your life – getting a job, traveling, driving a car, opening a bank account or use your own credit card.

There is a law on the books in Canada that says if your gender does not match your passport that you can be denied boarding an aircraft. If you are in a less forward thinking country you can be killed when your gender does not match. Never mind a person's right to privacy – why should a person have to out themselves when they go to use a credit card and present their ID with a gender that is not their own.

This bill is also a matter of human decency - life is hard enough our government shouldn't make it harder please pass House Bill 631 it is the right thing to do.

We look forward to you passing this bill and bring another plank of our Party's into reality and in the process move our Founding Father's promise to form a more perfect union. Not passing this bill would be an injustice and as Dr. King told us: "Injustice ANYWHERE is threat to justice EVERYWHERE."

Mahalo nui loa,

Michael Golojuch, Jr.
Chair

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 1:19 PM
To: HLTtestimony
Cc: sohigashi@aol.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
STEPHANIE OHIGASHI	DEMOCRATIC PARTY OF HAWAII	Support	No

Comments: The Democratic Party of Hawai'i strongly supports HB 631. The Party's Legislative Committee has placed a high priority on this Bill and I as Chairperson of the Democratic Party are in agreement that this measure is both desired and needed in the Aloha state. Any questions, contact me at (808)281-4535, Stephanie Ohigashi, Chair DPH

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COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON HEALTH

Chair: Rep. Della Au Belatti

Vice Chair: Rep. Richard Creagan

Friday, February 13, 2015

9:00 a.m.

Room 329

SUPPORT for HB 631 – BIRTH CERTIFICATES

Aloha Chair Belatti, Vice Chair Creagan and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 631 establishes the documentation required when requesting the Department of Health to issue a new birth certificate with a gender designation change. Establishes birth registrant's cause of action to petition for new certificate when Department refuses to issue a new certificate.

Community Alliance on Prisons supports this important measure that would make a world of difference for many of our people. There are incarcerated transgender individuals that have the right to be identified as who they are. For us, this is about equal justice.

Birth certificates are a critical identity document used in many settings to verify an individual's identity. Even in settings where birth certificates themselves are not required, other identity documents based on birth certificates are often required. In order to avoid discrimination in these situations, transgender individuals need access to birth certificates that accurately reflect their gender.

President Obama signed an executive order in June 2014 that prohibits workplace discrimination on grounds of sexual orientation or gender identity by companies awarded federal contracts and outlaws discrimination based on gender identity for federal employees. In August 2014, in response to a 2012 Equal Employment Opportunity Commission decision, the

US Department of Labor announced plans to issue new guidance making clear that discrimination on the basis of transgender status is prohibited under the existing definition of discrimination based on sex in Title VII of the Civil Rights Act of 1964.¹

Because Hawaii's current policy on updating gender on birth certificates is housed in Hawai'i Revised Statutes, this legislation is required to update it.

In the last five years a number of states updated their birth certificate policies to reflect **modern medical standards for transgender people**. Currently there are six states, plus the District of Columbia, where you can reliably get your birth certificate administratively updated without proof of surgery: California, District of Columbia, New York State, Oregon, Rhode Island, Vermont, and Washington.²

Community Alliance on Prisons respectfully asks the committee pass this important health and justice measure to protect transgender individuals and allow them to access accurate identification.

Mahalo for this opportunity to testify.

¹ HUMAN RIGHTS WATCH WORLD REPORT 2015. <http://www.hrw.org/world-report/2015/country-chapters/united-states>

² National Center for Transgender Equality

Aloha,

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

Mahalo,

Boysen Clute

Della Au Belatti House Committee on Health Chair

Richard P. Creagan House Committee on Health Vice Chair

Bill HB631

Friday February 13, 2015

9:00 am room 329

Hi. My name is Jaime DeGuzman I am a social work student at the Myron B. Thompson School of Social Work, I am in strong support of Bill HB361, relating to birth certificates and gender designation and I urge you to vote yes on this bill.

This bill will make the ability to change ones birth certificate a much easier process for transgendered individuals. Since not everyone is a good candidate for sex reassignment surgery, for numerous reasons. Along with the fact that no one wants to or should have to go through an examination to prove their sex in order to have a valid and accurate form of identification. This bill will make it possible for these transgendered people to attain these necessary documents while being treated with dignity. A statment from a provider is a much more reasonable approach as form of verification on gender. This process will be simpler and more respectful of people in this community. With these few simple changes that this bill is asking will enable many more people to have the correct identification , something that each and every one of us are entitled to.

Thank you for taking the time to concider my testimony in strong support for this very importaint bill HB632 relating to birth certificates and gender designation.

Jaime DeGuzman

jaimebd@hawaii.edu

Aloha,

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill (HB631). I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Currently Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
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3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i.

As a local transwoman who was born and raised here on Oahu, I have been a victim of discrimination, assault, and prejudice. I walk in fear in for myself and my community, that hate crimes (reported and unreported) are taking place because of ignorance and misunderstandings.

My gender shouldn't be anyone's business to operate in normal society, yet it is placed on every documentation as a marker of shame. I was not born in the body that I identify with, and had it not been for counselors, doctors, and social workers guiding me to remain optimistic, I would've been a statistic of teen suicide.

Now as an adult transwoman, I see how the laws are not made to protect me and my community. I see that with the current legislation session, there is an opportunity to amend the laws to include me and other locally born transpersons from further discrimination and prejudice. I encourage you to amend the process of correcting our birth certificates to not mandate surgery.

Thank you for your time.

Mahalo,

Cathy Kiana Keiko Kapua
(formerly David Alexander Kapua Jr.)
Cell-(808) 349-9242
85-328 Kohai Place
Waianae, Hawaii 96792

creagan1 - Dannah

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 8:56 AM
To: HLTtestimony
Cc: hawynknight@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM
Attachments: HB631.txt

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Cyrus Naone	Individual	Support	No

Comments:

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2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

Mahalo,

Jozie M. Valasquez

Aloha,

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

As a Social Worker, I have worked with the vulnerable transgender population. I see daily struggles and discrimination of my clients and it's time to bring social justice for the transgender community.

Mahalo,

Laleh Kazemahvazi

Aloha,

As a U.S. citizen, Hawai'i resident and a Pacific Islander, I write today to testify in strong support of HB1239. This measure would redirect a portion of the cost savings and federal revenues realized by the enrollment of COFA residents to ensure their continued access to life-saving healthcare, and reduce the short- and long-term fiscal impacts of healthcare discrimination on our state, its healthcare infrastructure, and our local economy.

Where is our aloha when the state would deny equal access to healthcare to a select group of our community, many of whom are our most health-vulnerable?

For the COFA community *is* our community—our students, our neighbors, our friends, our partners, our children, *our* families. Forcing members of our community who can ill afford it to pay a \$750 out-of-pocket minimum expense, as required by the Obamacare plans available to them, will mean forcing Hawai'i families into greater poverty, and end up costing the state far more in the long run in emergency medical services.

Access to preventative healthcare is key to a healthy community *and* economy. The practice of aloha requires that we care enough about all constituents of our community here in Hawai'i and extend what safeguards we can to the COFA community through HB1239. I have attached a few additional points below for your consideration. Please pass HB1239.

Thank you for your aloha.

With respect,

Tagi Qolouvaki
Instructor, UH Mānoa

1) This bill will reduce the inestimable economic impacts of public health issues that may arise from categorically restricting access to healthcare for a health-vulnerable group. From a public health standpoint, creating barriers to medical access for a particularly health-vulnerable group, to address communicable diseases, or gain precautionary or preventative care information, may have negative impacts on public health as a whole. The relatively high co-pay and cost-sharing rates charged to indigent individuals who would otherwise go to the doctor create just such a barrier, that could easily be reduced through the relatively small state investment in this bill.

2) The children of our COFA community members, many of whom are Hawai'i and U.S. citizens, are seeking to develop their skills and capacity to contribute to our economic and social health, through higher education and other job training opportunities. The need to help cover the debts that may arise from a sick parent's or family member's co-pays and cost-sharing under this bill may force such enterprising young students to forego their education and specialized training, delaying their potential socioeconomic contributions for a generation or more. Such opportunity costs will, in the long-term, likely far exceed the meager state investment proposed in this measure.

3) For COFA community members living below the poverty line, a \$750 out-of-pocket minimum expense, as required under the Obamacare plans made available to them, may mean losing the ability to afford rent, purchase groceries and basic necessities, or support a child's education. In many cases, such individuals are likely to forego accessing medical services or purchasing prescription medication until their conditions deteriorate to the point of warranting a much more expensive, and much less effective, emergency room visit. In other words, by redirecting a portion of the approximately \$27 million in cost savings that will be realized by the state, this life-saving measure will avoid forcing our sickest and most indigent community members to choose between medical care, or supporting their families

Dear Representatives;

I am opposed to HB 631.

I am opposed to legislation that allows a person to change a legal document in any way that does not reflect the truth. The bill over and over calls the document a **BIRTH CERTIFICATE** which certifies what you were at birth, not what you have become.

The bill states that:

“A statement from a licensed medical or social service provider attesting that the current birth certificate record does not align with the birth registrant’s gender identity and that in the provider’s professional opinion the birth registrant’s gender designation should be changed accordingly”

“A new certificate of birth is established under this section, it shall be substituted for the original certificate of birth. The new certificate shall not be marked as amended and shall in no way reveal the original language change by any amendment.”

The birth certificate becomes an outright lie! How can you as lawmakers condone falsifying legal documents?

I understand the sex changed person’s desire to entirely leave behind their true gender, but it is just not truth.

Also, if we are going to allow someone to change their gender on their birth certificates we need to allow other changes as well.

I am Caucasian but have grown up in Hawaii, and I don’t feel haole. Since I was a child I have danced hula, spoken pidgin, associated with mostly locals and have lived with aloha in my heart. When I visit the mainland it is very evident to me that that is not my culture; I do not affiliate myself with the Caucasian lifestyle. I feel more Hawaiian than haole. Will I be allowed to change the ethnicity of my birth certificate from Caucasian to Hawaiian? This is what I feel in my heart. If a gender changed person can alter their birth certificate to reflect what they feel in their hearts, then why can’t I? If I need to change my looks, I can get a nose job, dye my hair, wear dark contacts and get lots of sun. But then again many hapa people are fair with blond hair and blue eyes.

Representatives, please be reasonable. Actually, be honest and truthful. Do not pass HB 631. Also, please overturn the original legislation that allows birth certificates to be altered in such ways that they are lies, not reflecting reality and truth.

Mahalo,

Lisa Poulos

creagan1 - Dannah

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 9:51 PM
To: HLTtestimony
Cc: mgolojuch@hotmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/11/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	No

Comments: We need this bill - it is long over due. This is a health and safety issue for our trans community. Please pass this bill as it makes sense and helps move us forward as a society to actually attaining our founding fathers promise of a more perfect union.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 3:58 PM
To: HLTtestimony
Cc: ncnelson@hawaii.edu
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/11/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Nakoa Nelson	Individual	Support	No

Comments: Reposting My testimony Here as it seems my attachment I sent when submitting my testimony does not open in the email that gets sent after submitting online... HLT 329 Feb 13, 2015 9:00 AM Aloha Committee On Health Chair, Rep. Della Au Belatti and Vice Chair Rep. Richard Creagan, My name is Nakoa Nelson, a resident of Kailua-Kona, and I STRONGLY SUPPORT HB 631. I am a 47 year old Native Hawaiian Transgender Man and resident of Kailua Kona. My transformation journey has been a difficult and painful process having attempted suicide twice and twice, saved by grace. I can remember feeling like a boy in my mind from the early age of 5. As I grew older I began to experience gender dysphoria which intensified in high school (and on into adulthood) and greatly affected my ability to succeed and graduate from Mid- Pacific Institute. For four years I struggled to keep my grades up and by age 16 I turned to alcohol and drugs as a remedy to survive. I did not graduate on time because I was not able to suit up in a female bathing suit for swimming, the P.E. requirement I needed to fulfill for graduation. I could not explain to the instructor why I refused to suit up and swim. I simply just stopped and sat on the sidelines. I received a failing grade because of this and ultimately did not receive my diploma with my graduating class of 1986. While not all transgender people desire or need to undergo extensive and expensive sex change operations, I Have found it necessary and underwent chest reconstructive surgery in April of 2013- alleviating high anxiety, depression, harassment and discrimination and ultimately cohesively aligning my body with my brain. State law requires transgender people to undergo such operations in order to amend or correct their gender marker on their birth certificate. In 2013 (after surgery) I attempted to amend my birth certificate and initially my request was approved but later denied. Aligning my ID and Birth Certificate gender markers to reflect my gender identity is a vital and final step in my transitioning process-helping to alleviate anxiety, stress and depression as well as provide safety. Last year I was able to correct my gender marker on my drivers license,a simplified one page process that was done in a day. Now all I need is to have my gender marker on my birth certificate match my drivers license- a basic right that should be granted to transgender people even if one has not undergone a sex change operation. HB 631 will provide an equitable, fair and consistent process for the amending of one's gender marker on their birth certificate. Again, I strongly support HB631 and urge you to do the same. Mahalo, Nakoa Nelson

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 11:55 PM
To: HLTtestimony
Cc: 2pina169@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/10/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Queinittra Toilolo	Individual	Support	Yes

Comments: To whom may concern I am testifying today in support of HB 631. I feel strongly in support of this bill mainly because I myself have been in this predicament. Maybe not the same exact predicament but almost the same. Some time ago I had gotten my wallet stolen from me. In order to better understand my story I need to go and fast track to the beginning. In 2001 I came to Hawaii to meet my biological family to make a long story short I was not adopted legally. I was in Hawaiian terms Hanai'd out to another family member who wasn't able to conceive children. A couple years later in a Kmart store in Kapolei is where my wallet was taken. Another simple thing to do would be to go and get another ID social security card and a birth certificate but because of my predicament I was unable to do so. When I went to go get my birth certificate I figured it would be easy because this is the state that I was born in but I would find out otherwise. I found out that my original birth certificate did not have the name that I grew up with it was a totally different name. It took the clerk a couple hours before finding my birth certificate. And the only reason why we knew it was my birth certificate because it had the name of the woman who had taken me at birth as my first name and then and her husband as my middle name and my biological last name stay the same. And because of this I could not get a new birth certificate, social security card, change a job, get into the bar or a club with friends. Because in order to get a birth certificate in the name that I grew up with I have to change my name legally at the lieutenant governor's office. And in order to do that I have to get that application notarized from a notary. And in order to do that I would need an ID card. I went in circles trying to get these legal documents in the right name that I grew up in in order to cash my checks. I spent one full year cash my checks and a check cashing place because I couldn't get anywhere with getting an ID card. You can imagine the hard time I went through having to pay to get my work check cashed. All that money I could have saved if I had an ID card. Now what I'm describing to you is not the exact same thing is what the homeless is going through now. I believe they have it harder then I had because at least I was able to email the media outlet and get my story out in order to apply pressure on the lieutenant governor's office and the ID place. so they can issue me an identification card. But what about those who are homeless? How are they supposed to get anywhere without proper identification? A lot of people complain about them sleeping on the streets loitering but I don't hear any solutions I'm getting them off the streets. The last time I testified I spoke about having solutions to the problems that we face for the houseless today. And I will continue to testify and push you folks to come up with solutions in order to help these people who are houseless get off the streets. Wouldn't the smart thing to do is to get these people one step closer into being self sustainable? Yes this bill is not the answer to the problem of homelessness but it is a step in the right direction. Let us come up

with solutions and not add to the problem. Thank You council members for your time and listening to my testimony. Please support HB 631. Thank you, Queinitra Toilolo

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Law Office of
Rebecca A. Copeland
LLC

February 11, 2015

House of Representatives
Committee on Health
Rep. Della Au Belatti, Chair
Rep. Richard P. Creagan, Vice Chair
Rep. Mark J. Hashem
Rep. Marcus R. Oshiro
Rep. Jo Jordan
Rep. Beth Fukumoto Chang
Rep. Andria P.L. Tupola
Rep. Bertrand Kobayashi
Rep. Dee Morikawa

Dear Chair Belatti, Vice-Chair Creagan, and Members of the Committee on Health,

I write in strong support of HB631 RELATING TO BIRTH CERTIFICATES, a bill being considered by this Committee on Friday, February 13, 2015. As you know, this bill would modify existing Hawaii law to allow an individual to change the gender marker on their birth certificate without the requirement that the individual have first undergone a “sex change operation.”

I am a local attorney. As a member of the Hawaii State Bar Association, I serve on the Board of Directors for the HSBA as an Oahu Director. I also serve as a Board Member on the City and County of Honolulu’s Zoning Board of Appeals, a position I have held for several years. I am also a Board Member on the Hawaii LGBT Legacy Foundation. I provide you with my professional background to let you know that in many ways I am just like you and your fellow legislators – a hard-working professional who cares for her community.

My testimony is not submitted in my official capacity for any of the above organizations, but in my personal capacity as a mother. I have two children, an elementary aged daughter and a high school aged son. My son is transgender. Although gender identity is moving more to the forefront of our conversation on LGBT rights, my situation may still be considered a unique experience to many who do not yet understand what it means to be transgender.

From the moment my son let my husband and I know that he was transgender, we have supported him completely in his journey to live an authentic life – the one he was meant to lead but which may sometimes be difficult because our son was assigned female at birth. We have

navigated the process in Hawaii, his state of birth, and the federal government to officially change his name, and we are thankful that the process has been straight forward, offering our son a first step in being who he truly is. Changes such as this will also allow him to be more appropriately recognized as his correct identity and gender in his future.

However, a name change is not enough. Unless my son (and others like him) is able to modify the gender marker on his birth certificate, he will always be considered “female” on official paperwork. When he obtains his driver’s license it will indicate that his sex is “F.” When he applies to college, he will be forced to designate his gender as female. When he gets married, he will be considered “female.” At first blush, these may not seem to be hurdles, but, then again, most of us identify as the gender with which we were assigned at birth. For my son, and others like him, these are consistent reminders that outward sexual characteristics do not match his actual gender – something over which he has no choice and no power. They are constant reminders that society chooses to judge him based exclusively on his outward sexual characteristics rather than his true identity. My son wants only to be known as who he is – a boy soon to be a man.

Will my son one day choose to modify some or all of his outward sexual characteristics to align his body with his gender? Maybe. I don’t have a definitive answer because it is a personal decision that may change over time as my child gets older. If he decides to do so, my husband and I will support him. But, should he be forced to do so just so that he can change the gender marker on his birth certificate? My answer to that question is no. My hope is that this Committee, and the Hawaii Legislature as a whole, will have the same answer.

You are likely to obtain and hear testimony from many members of our community who are transgender, and from those who are allies. You may also obtain or hear testimony from others like me – parents of transgender youth. Many who testify will provide you with statistical data and legal authorities to support HB631. For the most part, I will leave that testimony to others except to emphasize that by protecting individuals from institutionalized discrimination on the basis of gender identity and gender expression, HB631 is in accord with Hawaii’s existing policy of providing such protections. *E.g.*, Hawaii Revised Statutes (“HRS”) § 489-3 (prohibiting discrimination in places of public accommodation based on either gender identity or expression); HRS § 378-2 (prohibiting discriminatory employment practices based on gender identity or expression); HRS § 515-3 (prohibiting discriminatory practices in real property transactions based on gender identity and expression).

My testimony comes with the caveat that my son was not born in Hawaii; therefore, the outcome of HB631 will not directly affect his ability to change his gender marker. However, as we have seen repeatedly throughout history, including most recently with the issue of marriage equality, change in one state in this country leads to change in other states. That same history shows us that although discrimination may be permitted temporarily, it cannot withstand the test of time. Change in Hawaii will ultimately lead to change in the state of my child’s birth. For that reason, and because I support the ability of all transgender individuals in this state to live a full and authentic life, I consider my testimony relevant, and hope that you will too.

Mahalo for your consideration of HB631.

Sincerely,

A handwritten signature in black ink that reads "Rebecca A. Copeland". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Rebecca A. Copeland
Attorney, Wife, Mother, and Ally

HOUSE COMMITTEE on HEALTH
Rep. Della Au Belatti, Chair
Friday, Feb. 13, 2015, Room 329

Support for HB631: Relating to Certificates of Birth

Dear Members of the Committee on Health:

I am writing to express my support for HB631: Relating to Certificates of Birth. I am currently a constituent from House District 25 and am an Associate Professor at the Myron B. Thompson School of Social Work at the University of Hawaii at Mānoa, though this testimony does not represent UH only my own views as a citizen. My area of expertise is in lesbian, gay, bisexual, and transgender issues, with particular emphasis on experiences of violence, discrimination, and bias.

I support HB631 for multiple reasons. First, eliminating the requirement for a surgical change in order to allow a sex-marker change on a birth certificate is an onerous burden on transgender people. Although there have been great advances in medical technologies, many surgical options for sex reassignment surgeries carry significant risks, including death, loss of sensation in affected areas, and surgical complications. In addition, these surgeries are very costly and frequently not covered by health insurance providers, resulting in significant costs that may render surgical options impossible for transgender people. The changes proposed in this bill to eliminate the requirement for surgeries will increase access for more transgender people to have identification that matches their gender presentation, which will reduce their risk of discrimination.

Second, broadening the types of professionals who can support a transgender person's application to change their sex-marker from physicians alone to licensed medical and social service providers gives transgender people more opportunity to find professionals who are knowledgeable about transgender issues. One of the large issues found in national and local surveys of transgender people is the difficulty in finding medical providers who are familiar with the unique needs of transgender people. By broadening this category to include other licensed medical and social service professionals, transgender people will have an increased opportunity to locate knowledgeable professionals who can best support them as they make decisions about their legal identification and any changes in their gender presentation or body.

Third, the proposed language change that clarifies that there should be no evidence of a change to birth certificates is also critical for the health and safety of transgender people. If a birth certificate shows as "amended" in regard to sex-markers, it reveals a person's transgender status in a way that still puts them at risk for discrimination and undermines the point of changing a birth certificate to be consistent between gender presentation and sex-markers. Making sure that a change in sex-marker is not visible on a birth certificate further protects transgender people.

In my professional experience, the changes proposed in HB631 would be a significant improvement in the process for those people seeking to change the sex-marker on their birth certificates. Please support this bill. If you have any questions about my testimony, please feel free to contact me.

Dr. Rebecca L. Stotzer
(808) 956-6121, rstotzer@hawaii.edu

Robert J. Bidwell, MD
6264 Keokea Pl., Honolulu, Hi. 96825 Tel. 808-428-4545

Date: February 13, 2015 (9 AM)
Conference Room 329
State Capitol

To: Representative Belatti, Chair
Representative Creagan, Vice-Chair
House Committee on Health

From: Robert J. Bidwell, M.D.

Re: HB 631, Relating to Certificates of Birth

Position: Strong Support

Dear Chair Belatti, Vice-Chair Creagan, and House Health Committee Members:

I am presenting this testimony in **strong support of HB 631**, Relating to Certificates of Birth.

For the past 25 years, through my position as Assistant Professor (1988-1994) and later Associate Professor of Pediatrics and Director of Adolescent Medicine at the UH John A. Burns School of Medicine, I have provided medical care and counseling to many of Hawai`i's youth and young adults, including care related to gender transition. Addressing issues of gender and gender identity, including the dramatically changing field of transition treatment, has also been an important part of my teaching of medical students, resident physicians-in-training, community physicians and other health and social service providers, both in Hawai`i and the continental U.S. over the past 3 decades. It was in recognition of this experience that I recently was asked by the American Academy of Pediatrics to author the chapter on "Gender Expression and Identity Issues" for the most recent edition of the *American Academy of Pediatrics Textbook of Pediatric Care* (in press). This chapter addresses issues of gender identity throughout the pediatric age range (0-21 years old), including issues related to the social, psychological, spiritual and physical transition experienced by transgender individuals.

The present Hawai`i Department of Health policy requiring a "sex change operation" in order for transgender individuals to obtain a change of gender designation on birth certificates is a historical artifact. It is outdated and no longer reflects modern-day medical opinion on what it means to be transgender or the nature of gender transition. More important, it has caused significant and lasting harm to generations of transgender individuals in Hawai`i, as will be evidenced by the testimony to be presented for the Committee's hearing on HB 631.

There was a time in the past when being transgender and the idea of transition evoked immediate thoughts of surgery, both in the minds of medical professionals and the lay public. **Those times are past.** This is due, in part, because of an increasingly robust body of research evidence showing that gender transition takes place on many levels: psychological, emotional, spiritual and physical. A person's gender does not reside only or even primarily in his or her genitals but, much more importantly, exists in a

person's deepest sense of gender, of being female or male. The present Department of Health policy is extremely problematic for those transgender individuals who desire surgery but cannot afford it, or live in communities where surgical specialists are not available, or have medical conditions that make surgery especially dangerous. Modern medicine considers these individuals no less transgender in their identity because they have not had surgery, and treats them in accordance with their expressed gender identity. Other transgender individuals transition socially, psychologically and spiritually but do not feel a need to transition physically through "sex change surgery." Modern medicine considers *these* individuals to be as fully transgender in their identities as those who desire surgery. Whether surgery is desired or not, or has taken place or not, transgender individuals all face the same obstacles to health and well-being that come from a policy that puts outdated and harmful obstacles along their paths to transition, whatever those paths might be. The consequences of the present outdated Department of Health policy for transgender health and well-being will be well-documented in the testimony presented by Hawai'i's transgender community in the Committee's hearing on this Bill.

Unfortunately, across the U.S. there are still in place anachronistic state Department of Health policies related to gender designation on birth certificates that cause immeasurable harm to transgender individuals and that are inconsistent with the present medical understanding of what it means to be transgender. It is for this reason that in 2014 the American Medical Association (AMA) issued the following policy statement specifically concerned with the issues addressed in HB 631.

H-65.967 Conforming Birth Certificate Policies to Current Medical Standards for Transgender Patients.

- 1. Our AMA supports policies that allow for a change of sex designation on birth certificates for transgender individuals based upon verification by a physician (MD or DO) that the individual has undergone gender transition according to applicable medical standards of care.**
- 2. Our AMA: a) supports elimination of any requirement that individuals undergo gender affirmation surgery in order to change their sex designation on birth certificates and supports modernizing state vital statistics statutes to assure accurate gender markers on birth certificates; and b) supports that any change of sex designation on an individual's birth certificate not hinder access to medically appropriate preventive care. (Res. 4, A-13; Appended: BOT Rep. 26, A-14)**

It is for this reason that HB 631 is vitally important to Hawai'i's transgender community, and my hope is that Hawai'i will join the growing number of states that are passing legislation consistent with AMA policy, which reflects mainstream opinion within the medical community.

Thank you so much for the opportunity to share my testimony with you.

Respectfully yours,

Robert J. Bidwell, MD

Aloha Chair, co-chair, and members of the committee-

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

I am an extremely passable transgendered person who lives her life totally as a female and I almost break out into anxiety when I need to show my form of ID. Please help me by passing this bill so I no longer have to live in fear that I will be retaliated against once I show my form of ID. I have experienced discrimination in many places once I show my ID. I realize that it is only two letters ID and one letter F or M but to me a transgendered person it means a whole lot more.

Thank you for your time and your consideration in the passage of this bill.

Mahalo,

Stacia Ohira

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 6:22 AM
To: HLTtestimony
Cc: v.smith@mac.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Smith	Individual	Support	Yes

Comments: Thank you for the opportunity to write in strong support of this bill. As a new mom, I'm always in awe of my son's personality and it's already become blatantly apparent that I can't presume to dictate or define who my son is or will become. What I can do is promise him I will be open to the ways in which he will express his identity and not try to hinder his development as the beautiful being that he is because I (and the government) insist to know his gender identity better than he does. As he grows up and is compelled to integrate into the world, I would also like to assure him that his daily transactions within it (social, practical, legal) would not be made impossible nor unbearable by unwarranted (and even life-threatening) bureaucratic impediments. Pl ease align DOH policy with best practices and pass this bill. Valerie Smith Hawaii Kai -

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Aloha,

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

Mahalo,

Charles Monoiki Ah Nee-Bahn

TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH

HEARING ON FRIDAY, 2-13-15, 9:00 AM, HCR 329

IN STRONG SUPPORT FOR HB 631, RELATING TO CERTIFICATES OF BIRTH

TO: Chair Rep. Della Au Belatti, Vice Chair Rep. Richard Creagan, and Health Committee Members

FROM: Josephine (Jo) Chang, Ret. Atty-at-Law

POSITION: In strong support of HB 631

Aloha, Chair Belatti, Vice Chair Creagan, and Committee Members. For over 20 years, I have been a supporter of our lesbian, gay, bisexual, and transgender members of our Hawaii. Being a mom of a gay son (and two straight sons) prompted me to try to assist parents and families who were in distress, confused, uncertain and seeking information about their child upon learning that their child was lesbian, gay, bisexual, and/or transgender (LGBT). I started by serving as a parent representative on a Teen Gay Task Force in the early 1990s, helped to start a parents' support group called Da Moms, spoke along with LGBT community speakers on a speakers bureau of the then Gay Community Center to help to educate the community, and organized educational forums on LGBT persons and advocated for their needs. In my professional life, I have been a supervisor for Medicaid claims at HMSA, an analyst and project leader at the Auditor's Office, a Deputy Attorney General, and administrator at the Office of Community Services, where I served to support the needs of other vulnerable populations, such as the medically needy, low-income persons, immigrants and refugees. In retirement, I focus my energies on providing pro bono consultation, educational and training support to government and private agencies on serving LGBT persons safely, respectfully, and appropriately in youth and adult programs and in accordance with best practices in their professional arenas.

In studying and learning the technical aspects and the personal experiences of so many who are deemed LGB and/or T, it has been clear that the issues surrounding our society's gender binary system, and designated gender roles, have given rise to much of the bias and discrimination against those who do not fit into the binary of male and female, and also those who are not straight in their sexual orientation – lesbian, gay, and bisexual persons. I realized that the societal burdens carried by transgender persons, simply by being who they are, are tremendously heavy, and have sought to particularly address their issues in my training sessions. Concurrently, I am also seeing an increasing interest among professionals (and just every day people) in learning particularly about transgender persons and how to appropriately serve them.

HB 631 addresses one of the key needs of transgender persons, that of being able to live in our society as the person that they truly are with the identification documents that we all rely on. Most basic is our birth certificate, but the assigned sex/gender designation in that foundational document does not serve those who realize as they grow up, that their true gender identity is not consistent with the sex/gender marker on their birth certificate. Hawaii had been forward looking in including an option for those who transition and seek to legally change their sex/gender marker on their birth certificate,

but as the years have passed, medical and other health authorities have found that the current statutory requirement of " a sex change operation" is no longer necessary or indicated for a person to transition in gender, and only serves as an unwarranted statutory barrier to changing the sex/gender marker on a person's birth certificate for those who have transitioned in gender. The amendments proposed to the current birth certificate law in H.B. 631 are needed by our transgender ohana to allow them to obtain a new birth certificate that documents their true gender identity, without requiring specific medical treatment, and protects the privacy of such applicants with clarifying language that new certificates and not amended certificates be issued, provides for legal name changes on their birth certificates, and makes clear that the DOH shall not impose additional requirements of these applicants than what is in the statute.

I strongly urge you all to support HB 631 and thank you for your interest and KOKUA.

With much appreciation,

Josephine L. Chang

creagan1 - Dannah

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 12:19 PM
To: HLTtestimony
Cc: 808yasha96792@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Keara amaral-lamour	Individual	Support	Yes

Comments: my name is Keara Amaral-lamour I am a transsexual in full support of HB631 and feel that this change will bring some good not only for myself but for other Trans out there as well. it'll give me the respect I deserve as a person based on the freedom to truly be myself and feel comfortable being myself. without having to worry about snide remarks and or questions regarding my gender in my professional work place or at a bar or a supermarket where I have to show identification. I don't feel the M of F on my identification is anyone else's business BUT MY OWN! therefore I support it! thank you KL

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Aloha Chair Belatti, Vice Chair Creagan, and members of the Committee:

I write in strong support of HB 631 that would allow individuals to change their birth certificates to reflect their true gender by removing burdensome and outdated medical requirements. These requirements undermine the dignity of transgender and intersex individuals and are inconsistent with Hawai'i's otherwise strong commitment to equality.

Please pass HB 631.

Mahalo,

Morgan Evans

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 10:44 AM
To: HLTtestimony
Cc: pgozemba@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Gozemba	Individual	Support	No

Comments: Dear Chair Belatti, Vice Chair Creagan, and members of the Committee: I write in strong support of HB 631 which would allow individuals to change their birth certificates to reflect their true gender by removing burdensome and outdated medical requirements . HB 631 would modernize state law that presents numerous barriers for transgender and intersex individuals to correct their birth certificates to accurately represent their gender. Currently, in order to change one's birth certificate an individual must undergo costly and potentially dangerous surgical procedures without regard for whether that individual wants or has any medical need for the surgeries. This bill would allow the individual and the individual's doctor or social service provider to provide a statement supporting the gender designation change. Nationally, only 25% of transgender individuals have updated their birth certificates; for the remaining 75%, this key document is inaccurate and falsely presents the individual's gender. In 2010, the U.S. State Department eliminated the surgical requirement for updating passports and several states have since adopted similar means of changing one's gender designation. This bill will give transgender and intersex individuals more privacy and control over their lives. Please pass HB 631. Sincerely, Patricia A. Gozemba 3873 Nikolo St. Honolulu, 96815

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Aloha,

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

Mahalo,

Sina Sison

Aloha,

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

Mahalo,

Torrance Kam

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 1:21 PM
To: HLTtestimony
Cc: raysha23@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Raysha Mamala	Individual	Support	No

Comments: Aloha, I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons: 1.Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association. 2.Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs. 3.A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well. As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in lifting this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill! Mahalo, Raysha Mamala

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 1:27 PM
To: HLTtestimony
Cc: keahimaukaopuna@yahoo.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Ka'au'a	Individual	Support	No

Comments: Aloha, I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons: 1.Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association. 2.Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs. 3.A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well. As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. I am coming here as a Kumu hula, a business owner and as an educator in the field of indigenous studies. I am also a transgender female who have made the decision to be a nō op, it has been difficult for me to achieve an F on my birth certificate as the law make it hard for us to do so. I have gone numerous times to the health department and have been shut down each time. It's Travel is a constant for me and important paperwork can be skewed due to a simple letter. It is a safety issue overseas so it is important that this is addressed and passed. How can we as community leaders successfully create safe environments If our own safety is at stake. Please pass this bill. Mahalo, Kapuaokalaniikapoliopole Ka'au'a

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 3:12 PM
To: HLTtestimony
Cc: lyleslie74@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
lyla leslie	Individual	Support	No

Comments: As psuedo parent in the community, I think it is important for people to be able to be acknowledged as the gender they identify as. How it was important for people who wanted to be a specific race and not just 'others'. This will help people socailly and more so on an emotional level. I have watch the struggles of so many that I hold dear fight to be(within themselves, in their homes amongst family, and in the community) who they are and not being recognized orbaccepted as.

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creagan1 - Dannah

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 13, 2015 8:07 AM
To: HLTtestimony
Cc: moltenhawaii@yahoo.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/13/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Tia Thompson	Individual	Support	No

Comments: Aloha, I, Tia Aukaimalia Thompson, a transgender female, in mind, body, and soul is in full support of passing the transgender bill to change the gender mark on our birth certificates. I've identified as female at a very young age and started to transition when I turned 18 years old. I am 30 now and have been on hormone therapy for 10+ years successfully changing my driver's licenses, state id, and passport to female as of February/2014 which has allowed me to play women's volleyball. I wanted to point out that I will become the first transgender female athlete to play NCAA women's Division 1 volleyball soon. Please, I encourage you all to pass this bill because it will help transgender human beings escape discrimination in applying for a job or housing and even getting into college. An SRS in all honesty, is a very expensive surgery that most trans females cannot afford let alone the pain and suffering after the surgeries. Please, I humbly ask that this bill be passed for us now here in the present and for future generations to come. Mahalo, Tia A. Thompson

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 13, 2015 12:55 AM
To: HLTtestimony
Cc: daynalavatai@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/13/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Dayna Lavatai	Individual	Support	No

Comments: Aloha, I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons: 1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association. 2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs. 3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well. As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in lifting this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill! Mahalo, Dayna Lavatai.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 11:19 PM
To: HLTtestimony
Cc: kristasteinfeld@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Krista Steinfeld	Individual	Support	No

Comments: On June 23, 2013, under a beautiful grove of kukui trees in Ha'ikū, O 'āhu, my partner and I were married. Our family and friends celebrated us and we enjoyed an incredible filled with so much love and support. However, it was not until November of 2014 that we timidly filed an application for a marriage license. We are now anxiously waiting to hear back from the State, fearful that one legal discrepancy will keep us from the rights, protections, and privileges of a legal union: in the eyes of the State, my partner is both male and female. My husband is a transgender man. His State of Hawai'i driver's license lists him as male, but his State of Hawai'i birth certificate (as well as his U.S. federal documents) list him as female. When we filed for a marriage license, we filled out the application as truthfully as possible, but what is the legal truth about my husband's gender in the eyes of the State? Most people today understand what medicine, sociology, and psychology have been saying for quite some time: gender is not a biological reality and it cannot be determined through secondary sex characteristics. When my husband was born, the doctors looked between his legs and erroneously assigned him the gender of female. Gender cannot be determined by genitalia at birth, it cannot be determined by genitalia before surgery, nor can it be determined by genitalia after surgery. To put a surgical requirement between a person and their safe, consistent, legal status is not only financially and medically prohibitive for some, but it reifies the antiquated idea that secondary sex characteristics are central to understanding and defining a person's gender. We know this is not true and it is time to bring the policies and procedures of the State of Hawai'i up to date. I strongly support HB631 and I ask you for your strong support of the measure, as well. For myself, for my husband, and for others in the transgender and māhū community, this bill is an important piece of our legal and social well-being, as well as our basic safety. Mahalo for considering my testimony in strong support of HB631.

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DATE: February 12, 2015

TO: Chair Belatti, et al.
Conference Room 329
02/12/15 9:00 am

SUBJECT: HB631-Strong Support

I strongly support the passage of House Bill 631, relating to certificates of birth. I request that this committee support the measure as well.

Mahalo,

Eileen McKee
Kihei, HI

Aloha,

I am writing with regard to legislation under consideration in the current session, the Transgender Birth Certificate Bill. I strongly encourage you to pass this critically needed bill, for the following reasons:

1. Current Hawai'i law requires transgender individuals to have gender reassignment surgery to get a birth certificate with a different gender marker. That goes against the advice of the American Medical Association and World Professional Association for Transgender Health, as well as the American Psychological Association.
2. Not all transgender individuals can afford or are good medical candidates for gender reassignment surgery. Yet, they face a long list of difficulties in conducting the basic affairs of their lives when they present differently than the gender designation on their birth certificate. Research shows that 40 percent of transgender people who have ID that has a gender marker different than their gender presentation have experienced harassment because of this fact. Even more are denied entry or service or even assaulted because of mismatched IDs.
3. A rapidly growing number of states have eliminated the surgery requirement and even more are currently moving legislation forward to do the same. The U.S. State Department has already eliminated such a requirement for issuing passports and the Obama administration has implemented new workplace protections for trans individuals, as well.

As the transgender community has achieved greater visibility and recognition in recent years, many states and the nation more broadly have moved to look at old legal requirements with new eyes, knowledge and sensibilities. It's time to do exactly that here in Hawai'i. Please join us in **lifting** this onerous, outdated requirement for surgery and pass the Transgender Birth Certificate Bill!

Mahalo,

Gia Pacheco

Aloha Chairwoman Au Belatti and other member of the House Health Committee,

I am writing in STRONG SUPPORT of HB631 as it relates to BIRTH CERTIFICATE CORRECTIONS FOR TRANSGENDER INDIVIDUALS.

I'd like to first thank you for this opportunity to submit testimony in support for all transgender individuals who wish to correct their sex marker on their birth certificates.

My name is Kaleo Ramos and I am a transgender individual (female to male) who has had surgeries in order to correct my sex marker. I cannot tell you enough of how being able to correct my sex marker has improved my life to no end. Almost all cis-gender (non-trans) people do not put any time into thinking of the little "F" or "M" as they fill out applications or look at their birth certificate. Its something that goes overlooked everyday by cis-gender persons, however, for someone who identifies as transgender, correcting this sex marker makes such a huge impact to who they are and how they present. So why not allow trans folk the opportunity to change this "F" or "M" to match up to who they really are?

Sexual corrective surgeries cost in the tens of thousands of dollars of which many common people don't have access. These surgeries have not been practiced enough; therefore the risk is high and success rate low. This does not include the time it takes to heal, the amount of work time loss, and or scarring incurred from surgery. Unfortunately, these surgeries are considered to be only "cosmetic," therefore health insurance companies still do not cover the cost, leaving trans folk searching for quick ways to earn money attempting deeds that are seen as unsafe and or unhealthy (i.e. prostitution, drug use/sale, alcoholism, suicide ideation/attempt/death, etc.). In addition, young folk under the age of 18 are not allowed to have any cosmetic surgery, so according to our highly outdated current law, youth are unable to change the gender marker on their birth certificates until 18. This makes enrolling in school and the handling of all school documentation a very difficult task. Students would have to "out" themselves, suffering the risk of re-traumatization. This leads to poor test scores, increase in dropouts and suicide ideation/attempt/deaths. Many students have mentioned they do not want to continue their education due to them having to disclose their trans status through school records.

Since I've been able to change my documents I've helped a several people to change theirs. Having work with them for an extended period of time I can see how great their improvements were now that they were able to correct their birth certificates. The smiles, the goal setting, the life expectancy and bliss they share about how much their lives have improved cannot be described, but only felt. Please afford all trans folk the opportunity to live a life of happiness with documentation that represents their true selves. Help them live happy and safe lives by allowing them to correct the sex marker on their birth certificates. Please, I strongly encourage you to vote in support of HB631.

creagan1 - Dannah

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 1:02 AM
To: HLTtestimony
Cc: kahanakitty@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/11/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Kahana	Individual	Support	Yes

Comments: Testimony in STRONG SUPPORT of HB631 RELATING TO CERTIFICATES OF BIRTH
As a transgender individual and lifelong resident of Hawai'i, the passage of HB631 would have a profound impact on my life, and on the lives of transgender individuals who were born in Hawai'i. The birth certificate is the fundamental starting point of establishing one's identity. The gender marker on the birth certificate is subsequently reflected on every common form of government-issued identification document, including the Hawai'i State Identification Card and the Hawai'i State Driver's License and any other document that meets the Federal "REAL ID" law. During the course of my transition, I have experienced a range of challenges in obtaining identification documents and in basic common daily activities. Because my gender identity and expression do not match with the gender marker on my identification documents, I have been subject to dehumanizing gender pronoun references and humiliating questioning about my identity "This ID indicates that you are a man, but . . ." when applying for my Driver's License renewal, and State ID. I have had my identity scrutinized and have had to explain my transgender identity to people who have no business knowing that information when trying to use a credit card - simply because of this gender "no-match", and in fact, have resorted to using only debit cards, cash, or cashier's checks for my financial transactions. Similarly, on more than one occasion, I have nearly been denied filling my prescriptions for medications, obtaining appropriate gender-specific medical care, and getting insurance to pay for such care, because of my gender marker. One of the most disturbing incidents was when I was returning to Hawai'i from the mainland and had to pass through TSA inspection; I had just undergone very intense medical treatment, and was very much in recovery, severely weakened physically, and emotionally very fragile. I ended up nearly passing out in the airport. This apparently brought heightened TSA scrutiny upon me. When I produced my identification, I was then questioned about my gender identity, and subject to what I believe was unnecessary procedures, including a body search, to verify my physical identity. Another incident is having medical insurance claims rejected for a gender-specific medical screening, because my gender marker did not correspond to the gender normally associated with that procedure. As a result, I have been paying that bill completely out-of-pocket, and have skipped the next procedure I was scheduled for. Another similar incident included my being denied insurance coverage for another gender-related screening, but this time, it was rejected because my new PCP indicated my correct gender, which does not align with the gender of the screening. To date, I still have not had that screening done, despite the fact that I fall in a high risk category for that condition due to family history. In every case in which I may be subject to being "outed" through my identification documents gender marker "no-match", I worry: how will this affect

my access to service, whatever it may be? how will this person treat me? Will i be subject to insult, discrimination, or harassment from this person? When I have to produce documentation to be hired for work, what will any prospective employer do, upon learning my transgender status, as revealed through a gender marker "no-match"? Whenever that no-match is discovered, will I be publicly outed, and humiliated? Will I possibly be subject to physical violence? What is this person going to do with the knowledge of my name, address, and transgender identity? WILL I BE SAFE???? I know that I am one of the lucky ones. There are others, here in Hawai'i, who have been physically assaulted, including by law enforcement authorities and corrections personnel, once their transgender identity is revealed through their identification documents. If you don't know about it, it is because transgender people must live in a world of secrecy; we cannot "come out" to report such violations, for fear of retaliation, and even further abuse from anyone who disapproves of our transgender nature. An example of how such discrimination is being institutionalized, there is legislation across the nation that aims to deny and criminalize transgender individuals access to gender-segregated public accommodations, such as restrooms, locker rooms and the like, by forcing them to use facilities according to their assigned gender at birth, as indicated on their birth certificate. By having an incorrect gender marker on their birth certificate, transgender individuals are not able to access the accommodations appropriate to their identity. Other areas of life that are adversely impacted are education, housing, and employment. Another area is family law, where the gender marker, or even question of a person's possible "transgender-ness" can result in challenges to parental rights, and complications in marriage, divorce, and death certification/validation, especially while there is no uniform federal requirement for the recognition of and prohibition of discrimination against same-sex individuals. This is the reality of being transgender in our society, and it is exacerbated by gender marker "no-matches", which ultimately stem from obstacles in changing the Birth Certificate gender/sex marker. One of the saddest ironies of our current birth certificate law (HRS §338-17.7) is that it actually creates an institutional barrier to transitioning. Because of the risks of gender no-match, many transgender people have to live closeted lives. As such they cannot fulfill one of the requirements of obtaining approval for a genital reconstruction surgery: living full-time in one's self-identified gender. Those who choose to live "full-time" risk losing their jobs, and therefore, the ability to pay for GRS, which can cost over \$30,000. Transgender individuals live in a "Catch-22" that, in part, is a product of laws such as HRS §338-17.7. The passage of HB631 would make a huge difference in this. By basing my birth certificate data on my LIVED GENDER, as verified by a licensed, qualified professional who is working with me on my gender transition, I will be able to obtain identification documents that reflect my true identity, and that reduce my risk of exposure to harassment, denial of service, and even violence and death. It would remove one the major barriers to my completing my transition into society as the fully contributing, participating member of our society that I wish to be. As supporting documentation for my position, I have provided links to a few documents which support the proposed changes to HRS §338-17.7 1. The first is an article published in the Michigan Journal of Gender and Law, 2013, vol. 19 issue 2, written by Lisa Mottet, then of the National Gay and Lesbian Task Force (NGLTF), and now Deputy Executive Director of the National Center for Transgender Equality, entitled "Modernizing State Vital Statistics Statutes and Policies to Ensure Accurate Gender Markers on Birth Certificates: A Good Government Approach to Recognizing the Lives of Transgender People." In this article Ms. Mottet outlines four criteria for an ideal Birth Certificate Gender Marker Policy/Statute: A) No requirement for surgical interventions (i.e. "sex change" operations), as this is counter to the prevailing medical understanding of transgender conditions, as well as no additional medical other documentation than a basic statement (affidavit) from a licensed medical, mental health, or social service treatment or evaluation provider ; B) No judicial process requirement for the marker change, as this poses economic barriers, privacy concerns, and exposure to judicial lack of information about, or bias against transgender people and ideal policies and practices; C) No indication on the birth certificate that the gender (and name, if related to gender transition) marker has been changed, including issuing a new certificate with no indication of amendment, and that all documentation related to the gender marker (including related

name) change be sealed and accessible only by court order or by the request of the birth certificate registrant; and D) statutory requirement for the issuing agency to process such a marker change if all requirements are met, assurance of due process should the agency deny the change, and recourse for the registrant, such as a cause for action in court should the agency fail to comply with such requirements. see: Lisa Mottet, "Modernizing State Vital Statistics Statutes and Policies to Ensure Accurate Gender Markers on Birth Certificates: A Good Governmental Approach to Recognizing the Lives of Transgender People", 19 Michigan Journal of Gender & Law 373-470 (2013) Available at: <http://repository.law.umich.edu/mjgl/vol19/iss2/4> 2. The World Professional Association on Transgender Health (WPATH), established in 1979, is a world- wide organization of medical and other transgender health service providers, who are committed to understanding and properly treating transgender people. The WPATH's position statement, issued on June 16, 2010, regarding gender markers for transgender individuals, as well as a link to the policy follows: http://www.wpath.org/publications_public_policy.cfm): "June 16, 2010 WPATH Identity Recognition Statement The Board of Directors of the World Professional Association for Transgender Health (WPATH), in the interest of the health and well-being of transgender and transsexual people world-wide, issued today, 16 June 2010, the following identity recognition statement: No person should have to undergo surgery or accept sterilization as a condition of identity recognition. If a sex marker is required on an identity document, that marker could recognize the person's lived gender, regardless of reproductive capacity. The WPATH Board of Directors urges governments and other authoritative bodies to move to eliminate requirements for identity recognition that require surgical procedures." 3. Additionally, the National Center for Transgender Equality suggests that ideal procedures regarding gender markers should include the three following points, as regards the possible application of "Model Law Statistics Act" (see <http://transgenderequality.wordpress.com/2011/06/22/policy-brief-birth-certificate-gender-markers/>): An excerpt follows: "NCTE's Proposal: An updated version of the Model Law is currently being developed by a group of state officials coordinated by the National Center for Health Statistics (a part of the CDC). NCTE and allies have been advocating with NCHS to change this outdated and restrictive policy about amending birth certificate sex designation. Specifically, NCTE has suggested that NCHS make three changes in its revisions of the Model Law based on approaches developed by some states and federal agencies. The revised Model Law should allow people to change the sex designation on their birth certificate by submitting the required documentation directly to the vital statistics agency, rather than requiring a court proceeding. This will eliminate the unnecessary costs and other obstacles sometimes associated with going through the state court systems. The revised Model Law should not require proof of specific medical procedures in order to amend birth certificates. Instead, the Model Law should reflect contemporary standards of care, and require only that an individual's physician certify that the individual has completed the treatment the physician deems necessary to achieve gender transition. This change would recognize that different people have different medical needs, and avoid disclosure of any confidential medical information. The revised Model Law should make clear that a new birth certificate should be issued after an individual presents the proper documentation, rather than a birth certificate that shows the original gender designation or states that the gender has been changed." To summarize, HB631 fulfills the criteria representing ideal policies and statutes as outlined in the above documents, insofar as it A) removes surgical requirements and specifies documentation from non-surgical providers; B) does not have any judicial requirements; C) ensures proper privacy; and D) allows a path of recourse for the registrant. As such, it would be a significant step in removing the institutional barriers that transgender individuals face in society, allowing the the ability to live with less fear and more freedom, the freedoms that every person can and should enjoy. With this in mind, I respectfully request that the members of the House Committee on Health vote in support of HB631 and recommend that it be passed in its unamended form. Mahalo ā nui loa, i ka ha'aha'a, ā me ke Aloha pūmehana, K. Ho

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 3:12 PM
To: HLTtestimony
Cc: lyleslie74@gmail.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
lyla leslie	Individual	Support	No

Comments: As psuedo parent in the community, I think it is important for people to be able to be acknowledged as the gender they identify as. How it was important for people who wanted to be a specific race and not just 'others'. This will help people socailly and more so on an emotional level. I have watch the struggles of so many that I hold dear fight to be(within themselves, in their homes amongst family, and in the community) who they are and not being recognized orbaccepted as.

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creagan1 - Dannah

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Sent: Thursday, February 12, 2015 10:19 PM
To: HLTtestimony
Cc: pyasuhara@hawaii.rr.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/12/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Yasuhara Patti	Individual	Oppose	No

Comments: Please vote No to HB631. I strongly oppose. Patricia Yasuhara 683 Kumukahi Place, Honolulu, HI 96825 District 18- registered voter

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February 12, 2015

House Committee on Health
Hawaii State Legislature
Capitol Building
Honolulu, Hawaii 96813

Re: HB 631 on Birth Certificates – Strong Opposition

Dear Madam Chair Belatti, Vice Chair Creagan and Members of Committee on Health:

Thank you for your service to our community. With all due respect, I strongly oppose HB 631.

Individuals who marry should know have a right to know whether they are marrying a person of the opposite sex, as it will have an effect on their plans for having and raising their own biological children. Also, individuals may have religious/moral objections to marrying a person of the same sex. Removing any evidence of changes to the birth certificate would make it more difficult to determine that, and also to obtain an annulment. As a family law attorney, I have had to deal with the shock and pain (and humiliation) experienced by an individual who discovered the sex change of the spouse *after* they were already married. That constitutes fraud, and the court would grant an annulment under circumstances, if it can be proven. Oral testimony is insufficient for an annulment. The public policy and goals of the Legislature should be to encourage truth and honesty, and to discourage fraud.

The bill allows any licensed medical or social service provider to assist a person with amending a birth certificate. This provision is vague and overbroad, in my view. Do the medical providers include licensed nurses, aides, and other medical providers, like drug rehabilitation organizations, cancer treatment centers, and so on? Also, do social service providers include all counselors, aides, and social service providers such as those who provide employment training, homeless services, and so on? Frankly, it appears to open a can of worms because it makes it easier for folks to have 2 different gender identities. For example, a person can order 10 birth certificates, and then go for counseling, get his/her birth certificate amended, and then order another 10 birth certificates with a different gender identity. No sex change operation or doctor's certification is required in this bill.

Birth certificates are important legal documents, and the Legislature should protect the integrity of the process. Generally, a court order or an order from the Lt. Governor's office is needed to make most changes.

Truth and openness are the basic foundations of a successful marriage, and the legislature should support an interested party's right to know the truth. These kinds of bills can harm innocent people and religious/non-religious institutions: (a) an innocent spouse may not be informed of a transgendered spouse's sex change prior to the marriage; (b) religious institutions which limit certain positions to persons of one particular gender or they do not perform same sex marriages; (c) the ease with which criminals and sexual predators can use this law to harm others and evade justice, and the list goes on.

Mahalo nui loa for your time, and again for your service.

Very truly yours,

Sandy Young

SANDRA YOUNG

creagan1 - Dannah

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 13, 2015 6:33 AM
To: HLTtestimony
Cc: philIngeri@hawaii.rr.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/13/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Phil Yasuhara	Individual	Oppose	No

Comments: This bill seeks to authorize changing an historical document. Subsequent changes to ones gender should NOT be grounds for changing a birth certificate which records gender at the time of birth. You CAN'T go back! If this is such a pressing concern, please consider issuing another document certifying the current gender of a person, NOT changing a birth certificate. This is revisionist history on the order of those who deny the Holocaust ever happened!

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Sent: Wednesday, February 11, 2015 9:11 AM
To: HLTtestimony
Cc: bigislandbabs@yahoo.com
Subject: Submitted testimony for HB631 on Feb 13, 2015 09:00AM

HB631

Submitted on: 2/11/2015

Testimony for HLT on Feb 13, 2015 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Riley	Individual	Comments Only	No

Comments: I am in support of HB631. Gender is not as simple as we like to think; it is a complex compilation of the mind, hormones, DNA, and other genetic information, and lastly, the external genitalia that shows up at birth. In speaking with medical doctors, it is often hard to determine at birth if a child is a boy or a girl. Since male and female sex organs are all female in the beginning, and it is the Y chromosome that causes the organs to change into male organs, there are many possibilities for change and variation along the way. Ultimately, as adults, individuals should have the right to correct the quick determination at birth. Doctors have shared that at birth it can be hard to tell if a newborn has a very small penis or a large labia (since it is actually the same organ that can become either one depending upon hormones and DNA). That quick determination affects the child's life for the rest of their lives. For many, it is the correct gender assignment, but for others, it is misaligned. Please allow humans to correct their gender assignment as adults without requiring extensive and costly surgery, that many may not be able to afford since health care will not yet cover surgery or not even necessarily need. I strongly urge you to support this bill for all those wanting to correct their gender assignment at birth, such as my fiancé, who looks like a man, talks like a man, acts like a man, yet has been unsuccessful at changing his birth certificate which still states he is female. This has been a cause of great distress and worry for him. Attempts to correct were at first approved, but then later rejected without informing him. We waited six months after the approval letter and finally flew over to Honolulu and went in person where they told us the new director had changed her mind and denied the request. Sadly, after Mrs. Fuddy's untimely passing, it seems that some retracted previous approval letters without any notification. This is a painful process and we ask your assistance in helping create a process that is fair and clear for all. Mahalo for your quick assistance in this matter.

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